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Discharge of Wastewater from CERCLA Sites into POTWS

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 15 1986

MEMORANDUM

OSWER DIRECTIVE 9330.2-04

SUBJECT: Discharge of Wastewater from CERCLA Sites into POTWS

FROM: Henry L. Longest II, Director
Office of Emergency and Remedial Response

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TO: Waste Management Division Directors
Regions I - X

Water Management Division Directors
Regions I - X

A number of emergency removals and remedial cleanup actions under CERCLA will involve consideration of publicly owned treatment works (POTWs) for discharge of wastewater. The current off-site policy (issued on May 6, 1985) does not address the set of concerns and issues unique to POTWs that must be evaluated during the Remedial Investigation and Feasibility Study (RI/FS) for discharge of CERCLA wastewater to POTWs.

Recently, we have had meetings with representatives of the Association of Metropolitan Sewerage Authorities (AMSA) to discuss technical and policy concerns related to the POTW/CERCLA issue. This memorandum is to highlight some of the major points under consideration which were shared with AMSA at their recent Winter Technical Conference. The Agency intends to develop policy on the use and selection of POTWs for CERCLA wastewater. Your comments are sought on the proposed criteria set forth herein. These criteria may be useful in evaluation of POTWs for response actions (fund financed or responsible party financed) to be taken in the interim.

Our position is that no CERCLA discharges to a POTW should occur unless handled in a manner demonstrated to be protective of human health and the environment. Full compliance with all applicable requirements of the Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), and any other relevant or appropriate environmental statutes will be necessary .

The national pretreatment program, under the Clean Water Act, requires an analysis to determine whether the discharge of an industrial user of a POTW may pass through the POTW to cause receiving water quality problems or may interfere with POTW operations (including sludge disposal). If the analysis suggests that limits on the industrial user's discharge are needed to prevent pass through or interference, local limits or other safeguards, as necessary, must be established by the POTW and/or the NPDES permitting authority. The national pretreatment program requirements apply to the introduction of all non-domestic wastewater into any POTW, and include, among other things, the following elements:

- o Prohibited discharge standards - prohibit the introduction of pollutants to the POTW which are ignitable, corrosive, excessively high in temperature, or which may cause interference or pass through at the POTW.

- o Categorical discharge standards - include specific pretreatment standards which are established by EPA for the purpose of regulating industrial discharges in specific industrial categories.

- o Local limits - where no categorical standards have been promulgated or where more stringent controls are necessary.

POTWs under consideration as potential receptors of CERCLA wastewaters may include those POTWs either with or without an approved pretreatment program. POTWs <u>with</u> an approved pretreatment program are required to have the mechanisms necessary to ensure compliance by industrial users with applicable pretreatment standards and requirements.* POTWs <u>without</u> an approved pretreatment program must be evaluated to determine whether sufficient mechanisms exist to allow the POTW to meet the requirements of the national pretreatment program in accepting CERCLA wastewaters. As noted above, pass through and interference are always prohibited, regardless of whether a POTW has an approved pretreatment program. POTWs without an approved pretreatment program must therefore have mechanisms which are adequate to apply the requirements of the national pretreatment program to specific situations.

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*POTWs with approved pretreatment programs must, among other things, establish procedures to notify industrial users (IUs) of applicable pretreatment standards and requirements, receive and analyze self-monitoring reports from IUs, sample and analyze industrial effluents, investigate noncompliance, and comply with public participation requirements.

Determination of a POTW's ability to accept CERCLA wastewater as an alternative to on-site treatment and direct discharge to receiving waters must be made during the Remedial Investigation/ Feasibility Study (RI/FS) process. During the remedial alternatives analysis, the appropriateness of using a POTW must be carefully evaluated. Water Division officials and their state counterparts should participate in the evaluation of any remedial alternatives recommending the use of a POTW, and should concur on the selection of the POTW.

If an alternative considers the discharge of wastewater from a CERCLA site into a POTW, the following points should be evaluated in the RI/FS prior to the selection of the remedy for the site:

- The quantity and quality of the CERCLA wastewater and its compatibility with the POTW (The constituents in the CERCLA wastewater must not cause pass through or interference, including unacceptable sludge contamination or a hazard to employees at the POTW; in some cases, control equipment at the CERCLA site may be appropriate in order to pretreat the CERCLA discharge prior to introduction to the POTW).

- The ability (i.e., legal authority, enforceable mechanisms, etc.) of the POTW to ensure compliance with applicable pretreatment standards and requirements, including monitoring and reporting requirements.

- The POTW's record of compliance with its NPDES permit and pretreatment program requirements to determine if the POTW is a suitable disposal site for the CERCLA wastewater.

- The potential for volatilization of the wastewater at the CERCLA site and POTW and its impact upon air quality.

- The potential for groundwater contamination from transport of CERCLA wastewater or impoundment at the POTW, and the need for groundwater monitoring.

- The potential effect of the CERCLA wastewaters upon the POTW's discharge as evaluated by maintenance of water quality standards in the POTW's receiving waters, including the narrative standard of "no toxics in toxic amounts".

- o The POTW's knowledge of and compliance with any applicable RCRA requirements or requirements of other environmental statutes (RCRA permit-by-rule requirements may be triggered if the POTW receives CERCLA wastewaters that are classified as "hazardous wastes" without prior mixing with domestic sewage, i.e., direct delivery to the POTW by truck, rail, or dedicated pipe; CERCLA wastewaters are not all necessarily considered hazardous wastes; case by case determinations have to be made).

- o The various costs of managing CERCLA wastewater, including all risks, liabilities, permit fees, etc. (It may be appropriate to reflect these costs in the POTW's connection fees and user charge system).

Based upon consideration of the above elements, the discharge of CERCLA wastewater to a POTW should be deemed inappropriate if the evaluation indicates that:

- o The constituents in the CERCLA discharge are not compatible with the POTW and will cause pass through, interference, toxic pollutants in toxic amounts in the POTW's receiving waters, unacceptable sludge contamination, or a hazard to employees of the POTW.

- o The impact of the transport mechanism and/or discharging of CERCLA wastewater into a POTW would result in unacceptable impacts upon any environmental media.

- o The POTW is determined to be an unacceptable receptor of CERCLA wastewaters based upon a review of the POTW's compliance history.

- o The use of the POTW is not cost-effective.

If consideration of the various elements indicates that the discharge of CERCLA wastewater to a POTW is deemed appropriate:

- o There should be early public involvement, including contact with POTW officials and users, in accordance with the CERCLA community relations plan and public participation requirements.

- o The NPDES permit and fact sheet may need to be modified to reflect the conditions of acceptance of CERCLA wastewaters; permit modification may be necessitated by the need to incorporate specific pretreatment requirements, local limits, monitoring requirements and/or limitations on additional pollutants of concern in the POTW's discharge or other factors.

Policy to be developed in the future will apply to all removal, remedial, and enforcement actions taken pursuant to CERCLA and Section 7003 of RCRA. We would appreciate your feedback on this memorandum and any experience in the use of POTWs for CERCLA removal or remedial actions that you have to offer.

If you have any comments or questions on this issue, please submit written comments to the workgroup co-chairs: Shirley Ross (FTS-382-5755) from the Office of Emergency and Remedial Response, or Victoria Price (FTS-382-5681) from the Office of Water.

cc: Ed Johnson
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